

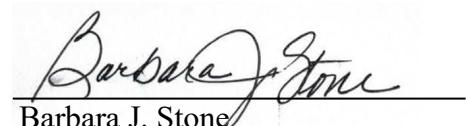
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-18-19 Deborah & Alexander Williams

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: April 17, 2019.

CERTIFICATE OF SERVICE

This is to certify that on May 9, 2019, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioners
Adjoining Property Owners
Park and Planning Commission

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Deborah and Alexander Williams

Appeal No.: V-18-19

Subject Property: Lot 34, Block A, Brock Hall Subdivision, 14708 Kent Drive, Upper Marlboro,
Prince George's County, Maryland

Heard: April 3, 2019; Decided: April 17, 2019

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve a variance from Section 27-442(e)(Table IV) of the Zoning Ordinance, which prescribes that each lot shall have a side yard at least 8 feet in width. Petitioners propose to construct a garage and concrete driveway extension. A variance of 11.3¹ feet side yard width is requested.

Evidence Presented

1. The property was subdivided in 1981, contains 61,441 square feet, is zoned R-E (Residential-Estate) and is improved with a single-family dwelling, driveway, patio and shed. Exhibit (Exhs.) 2, 4, 7, 8 and (A) thru (F).

2. Petitioners would like to construct a 24' x 24' two-car garage and extend the driveway to 165' x 24' on the left side of the lot near the dwelling. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (G).

3. Petitioner Deborah Williams explained that for security reasons, they would like to construct the proposed detached two-car garage. She explained that the existing attached garage which has cars and other items will now be used provide a handicapped accessibility and a safe route to a vehicle for a parent who is 90 years of age who uses a walker. She stated that with the two vehicles in the garage it has become dangerous for the parent. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (G).

4. Petitioner Alexander Williams also explained that the most suitable location for the detached garage is in the area on which the garage is proposed because the rear area is generally sloped and is where a natural run off exists. Exhs. 2, 3 (a) thru (d) and 5 (A) thru (G).

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided

¹ The original Hearing Notice (dated, 3/19/18) erroneously requested 5.7 feet side yard width/depth. The appeal was re-advertised to request the correct 11.3 feet side yard setback. Exh. 17.

such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the slope of the rear yard, the most suitable location for the proposed garage was the far left corner of the lot, an elderly family member requiring a safe and accessible handicapped route from the house to a vehicle and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that a variance of 11.3 feet side yard width in order to construct a garage and concrete driveway extension on the property located at 14708 Kent Drive, Upper Marlboro, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2 and approved elevation plans, Exhibits 3 (a) thru (d).

BOARD OF ZONING APPEALS

By: (Original Signed)
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.